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E-FILED - 3/5/08

13
14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA

16 In re CONSECO INSURANCE CO.
ANNUITY MARKETING & SALES
17 PRACTICES LITIG.

**Case No. C-05-04726-RMW
And Related Cases**

CLASS ACTION

18
19 This Case Relates To:

20 ALL ACTIONS.

**STIPULATION AND ORDER
[] FOR SCHEDULING AND
EXTENSIONS RELATING TO
DEFENDANTS' MOTION TO DISMISS
SECOND AMENDED COMPLAINT**

**Date: May 23, 2008
Time: 9:00 a.m.
Courtroom: 6, 5th Floor (Hon. Ronald M.
Whyte)**

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25 **STIPULATION**

26 Plaintiffs and the Defendants, CONSECO, INC., 40|86 ADVISORS, INC., CONSECO
27 SERVICES, L.L.C. and CONSECO MARKETING, L.L.C., through their respective counsel, hereby
28 stipulate and agree to the following extensions of time and scheduling relating to Plaintiff's response

1 and/or opposition to Defendants' Motion to Dismiss Second Amended Consolidated Class Action
2 Complaint ("Defendants' Motion") (Document Nos. 103-106):

3 1. Defendants to respond to Plaintiffs' jurisdictional discovery requests on or before
4 April 1, 2008;

5 2. All Rule 30(b)(6) depositions relating to jurisdictional issues to be completed on or
6 before May 1, 2008;

7 3. Plaintiffs to file their papers in opposition or response to Defendants' Motion on or
8 before June 1, 2008;

9 4. Defendants to file their papers in reply on or before June 12, 2008;

10 The parties hereby request a hearing on Defendants' Motion to be scheduled by the Court at
11 such time after June 12, 2008 as determined by the Court, except that the parties request that the
12 Court not schedule the hearing date in the first three weeks of July 2008.

13 Dated: March 4, 2008

14
15 /s/ John L. Haeussler
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1 **ORDER** []

2 The Court having considered the above stipulation and good cause appearing,

3 IT IS HEREBY ORDERED that the parties shall comply with the schedule set forth above.

4 IT IS FURTHER ORDERED that the hearing on the Motion to Dismiss Second Amended
5 Consolidated Class Action Complaint filed by Defendants CONSECO, INC., 40|86 ADVISORS,
6 INC., CONSECO SERVICES, L.L.C. and CONSECO MARKETING, L.L.C. shall be scheduled for
7 June 27, _____, 2008 at 9:00a.m. in Courtroom 6 of this Court.

8 Dated: March 5, 2008

9 *Ronald M. Whyte*
United States District Court Judge

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PROOF OF SERVICE

I, Robin M. Robledo, declare: I am employed in the City and County of Santa Clara, California. I am over the age of 18 years and not a party to the within action. My business address is 660 Hansen Way, Palo Alto, CA 94304.

On March 4, 2008, I served the attached:

**STIPULATION AND ORDER [PROPOSED] FOR SCHEDULING AND
EXTENSIONS RELATING TO DEFENDANTS' MOTION TO DISMISS
SECOND AMENDED COMPLAINT**


to the parties listed on the attached Service List by the following means of service:

☒ (BY E-MAIL) I e-mailed a true copy addressed as indicated in the attached Service List, on the above-mentioned date.

☒ (BY E-FILE) I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Service List.

☒ (BY U.S. MAIL) I placed such sealed envelope, with postage thereon fully prepaid for first-class mail, for collection and mailing at BAKER & McKENZIE, Palo Alto, California, following ordinary business practices. I am readily familiar with the practice of BAKER & McKENZIE for collection and processing of correspondence, said practice being that in the ordinary course of business, correspondence is deposited in the United States Postal Service the same day as it is placed for collection.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Palo Alto, California, on March 4, 2008.



Robin M. Robledo

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